

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

EDWARD J. NICHOLAS,)	
)	
Plaintiff,)	
v.)	C.A. No. 07-114 Erie
)	
PENNSYLVANIA STATE POLICE)	
RECORDS, et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's civil rights complaint was received by the Clerk of Court on May 15, 2007 and was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's report and recommendation, filed on June 14, 2007 [2], recommended that Plaintiff's complaint be dismissed without prejudice to Plaintiff's right to pay the filing fee of \$350.00 before July 2, 2007. The parties were allowed ten (10) days from the date of service to file objections. Plaintiff's objections [3] were filed on June 25, 2007.

After de novo review of the Complaint and the documents in the case, together with the Report and Recommendation, Plaintiff's objections and the Defendants' responses thereto, the following order is entered:

AND NOW, this 5th Day of July, 2007, IT IS HEREBY ORDERED that Plaintiff's complaint is DISMISSED without prejudice to be refiled upon Plaintiff's payment of the \$350.00 filing fee on or before July 20, 2007.

The report and recommendation of Chief Magistrate Judge Baxter dated June 14, 2007 [2], as modified herein, is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN
United States District Judge

cm: all parties of record
Chief U.S. Magistrate Judge Susan Paradise Baxter